



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 1212 and 1213 (as introduced 4-19-06)
Sponsor: Senator Bruce Patterson
Committee: Judiciary

Date Completed: 5-1-06

CONTENT

Senate Bills 1212 and 1213 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to do both of the following:

- Prohibit and prescribe penalties for an employee who stole a prescription drug from a health professional or health facility and sold the drug to another person.**
- Include the violation in the sentencing guidelines.**

The bills would take effect on October 1, 2006. Senate Bill 1213 is tie-barred to Senate Bill 1212.

Senate Bill 1212

The bill would prohibit a person who was an employee of a health professional licensed under Article 15 (Occupations) of the Public Health Code or of a facility licensed under Article 17 (Facilities and Agencies) of that Code from stealing a prescription drug from the health professional or facility and selling it to another person.

A violation would be a felony punishable by up to two years' imprisonment, a maximum fine of \$5,000, or both. The bill specifies that it would not prohibit a person from being charged with, convicted of, or punished for any other violation of law that was committed by that person while violating the bill.

"Prescription drug" would mean that term as it is defined in the Public Health Code (MCL 333.17708), i.e., a drug dispensed pursuant to a prescription; a drug bearing the Federal legend "CAUTION: federal law prohibits dispensing without prescription"; or a drug designated by the Michigan Board of Pharmacy as a drug that may be dispensed only pursuant to a prescription.

Senate Bill 1213

Under the bill, theft and resale of prescription drugs, as prohibited under Senate Bill 1212, would be a Class G property felony with a statutory maximum sentence of two years' imprisonment.

Proposed MCL 750.357c (S.B. 1212)
MCL 777.16r (S.B. 1213)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. An offender convicted of the Class G offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-23 months. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.